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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,744	08/06/2003	Hubert Lemoine	0579-1014	7857

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EXAMINER

HERNANDEZ, JOSIAH J

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/634,744

Applicant(s)

LEMOINE ET AL.

Examiner

Josiah Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/06/03, 06/13/05, 10/06/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 6, 8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Arslan et al. (US 6,615,174).

As to claim 1, Arslan discloses an audio-intonation calibration method (see abstract lines 2-3; column 2 lines 30-34, lines 41-42) in which an audio signal emitted by a subject is reproduced to the auditory organs of said subject after real time processing (see figure 1 # 117), which method is characterized in that it comprises the following steps: acquisition of a model audio signal to be imitated (see column 5 lines 35-40 and lines 59-63; column 8 lines 35-40 and lines 46-50); spectral analysis of said model audio signal (see column 5 lines 35-40; column 6 lines 3-6; column 8 lines 35-40 and lines 46-60); acquisition of an imitation audio signal emitted by the subject (see figure 1 #119; figure 3 #300; column 5 lines 35-40 and lines 59-63); spectral analysis of the imitation audio signal (see figure 3 #302; column 2 lines 54-56; column 5 lines 35-40; column 6 lines 3-6); comparison of the spectra of the model audio signal and the imitation audio signal (see figure 3 #304, 306, and 308; column 2 lines 42-44 and lines

49-50; column 7 lines 17-29); correction of the imitation audio signal as function of the result of said comparison (see figure 5; column 2 lines 43-46; column 6 lines 54-56; column 8 lines 20-22); and reproduction to the auditory organs of the subject of the corrected audio signal (see figure 1 #119).

As to claim 2, Arslan discloses measurement of the dynamic range of the audio signal imitated by the subject (see column 8 lines 62-64; column 9 lines 5-9); measurement of the dynamic range of the corrected audio signal (see column 8 lines 62-64; column 9 lines 5-9); comparison of the dynamic range of the imitation audio signal and the corrected audio signal (see column 8 lines 62-64; column 9 lines 5-9); and correction of the dynamic range of the corrected audio signal as a function of the result of said comparison before reproduction to the auditory organs of the subject of the corrected audio signal (see column 8 lines 62-64; column 9 lines 5-9).

As to claim 3, Arslan discloses an audio-intonation method characterized in that the comparison steps and correction steps are executed over a series of frequency bands in the range of audible frequencies (see column 8 lines 56-63; column 9 lines 26-38).

As to claim 6, Arslan discloses an audio-intonation method characterized in that the model audio signal to be imitated is a text and in that said method further includes a step of displaying said text (see figure 1 # 111).

As to claim 8, Arlsan discloses an audio-intonation calibration method (see abstract lines 2-3; column 2 lines 30-34, lines 41-42). Arlsan does not specifically teach the step of emitting said model audio signal to be imitated to the auditory organs of the subject before the step of acquiring the imitation audio signal emitted by the subject. It is inherent that in order for a subject to imitate a specific voice, accent, or singing method, it would be impossible to imitate it unless the subject can hear the speech signal before hand.

As to claim 13, Arslan discloses a fixed or removable information storage means, characterized in that said means contain software code portions adapted to execute the steps of an audio-intonation calibration method (see figure 1 # 106, 108, and 110; column 3 lines 45-57; column 4 lines 35-43).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arslan et al. (US 6,615,174).

As to claim 4, Arslan does not specifically disclose a method characterized in that the series of frequency bands corresponds to a subdivision of the range of audible frequencies. Part of the functionality of the proposed method would be to analyze the signals in a usable range within the audible frequency because not all the frequencies in the audible voice range would be useful for the proposed method. It would have been obvious for the analyzed signals in the method disclosed in Arslan to be a sub-range within the range of audio frequencies because there would only be a sub-range within the range of audible frequencies that would be pertinent to the method.

As to claim 5, Arslan does not specifically disclose a method characterized in that the range of audible frequencies is divided into at least 50 frequency bands.

When a signal is being process in order to analyze it, the signal is usually converted to the frequency domain then divided into numerous frequency bands so that an analysis can be done at different frequencies. It would have been obvious for the audio signals analyzed in Arslan to have been divided into more than 50 frequency bands because in order to make a successful analysis on a signal the frequencies would have to be divided into many frequency bands.

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4. Claims 9, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arslan et al. (US 6,615,174) in view of Lee et al. ("A New Voice Transformation Method Based on Both Linear and Nonlinear Prediction Analysis", 3-6 October 1996).

As to claim 9, Arslan does not specifically disclose an audio-intonation method for practicing languages. Lee teaches using an audio-intonation calibration method characterized in that it further includes, before the emission step, a step of modifying the model audio signal to be imitated as a function of parameters representative of a language being studied (see introduction paragraph 1). It would have been obvious to practice speaking a language as disclosed in Lee with the audio-intonation calibration method in Arslan. Doing so would allow the user imitate an accent and the system would output the user's voice with the corrected accent allow for the user to improve on the accent (see introduction paragraph 1).

As to claim 11, Arslan does not specifically disclose an audio-intonation method for practicing languages. Lee teaches a method of practicing speaking a language being studied, in which method an audio signal emitted by a subject is reproduced to the auditory organs of the subject after real time processing, and which method is characterized in that it uses an audio-intonation calibration method (see introduction paragraph 1). It would have been obvious to practice

speaking a language as disclosed in Lee with the audio-intonation calibration method in Arslan. Doing so would allow the user imitate an accent and the system would output the user's voice with the corrected accent allow for the user to improve on the accent (see introduction paragraph 1).

As to claim 14, Arslan discloses a fixed or removable information storage means, characterized in that said means contain software code portions adapted to execute the steps of an audio-intonation calibration method (see figure 1 # 106, 108, and 110; column 3 lines 45-57; column 4 lines 35-43). Arslan does not specifically disclose using storage medium for an audio-intonation method used for learning languages. Lee teaches a method of practicing speaking a language being studied, in which method an audio signal emitted by a subject is reproduced to the auditory organs of the subject after real time processing, and which method is characterized in that it uses an audio-intonation calibration method (see introduction paragraph 1). It would have been obvious to have used the storage means in Arslan for the system that is used to improve speaking a language. Using the storage means will allow the system to properly accomplish its intended goals.

5. Claims 7, 10, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arslan et al. (US 6,615,174) in view of Gibson et al. (US 6,336,092).

As to claim 7, Arslan does not specifically disclose memorizing the spectral analysis of the model signal. Gibson teaches using an audio-intonation calibration method (see abstract) that memorizes that spectral analysis of the model audio signal to be imitated (see column 2 lines 23-27). It would have been obvious to have memorized the spectral analysis of the model signal as disclosed by Gibson in the audio-intonation calibration method in Arslan. Using such functionality, would allow the system to correct the imitated voice automatically or at a later moment.

As to claim 10, Arslan does not specifically disclose using the intonation method for singing a song. Gibson teaches using an audio-intonation calibration method characterized in that the model audio signal to be imitated is a song (see column 1 lines 9-11; column 2 lines 11-15) and in that said method further includes, simultaneously with the step of reproducing the corrected audio signal to the auditory organs of the subject, a step of emitting an accompaniment signal of said song to the auditory organs of the subject (see column 6 lines 43-50). It would have been obvious to have used the intonation method in Arslan for the use of singing a song with an accompaniment as disclosed in Gibson because doing so would allow the singer to improve his voice by hearing how it should sound and the accompaniment would better assist that goal.

As to claim 12, Arslan does not specifically disclose using the intonation method for singing a song. Gibson teaches using a method of performance of a song by a subject, in which method an audio signal emitted by a subject is reproduced to the auditory organs of the subject after real time processing (see column 1 lines 9-11; column 2 lines 11-15). It would have been obvious to have used the intonation method in Arslan for the use of singing a song with an accompaniment as disclosed in Gibson because doing so would allow the singer to improve his voice by hearing how it should sound.

As to claim 15, Arslan discloses a fixed or removable information storage means, characterized in that said means contain software code portions adapted to execute the steps of an audio-intonation calibration method (see figure 1 # 106, 108, and 110; column 3 lines 45-57; column 4 lines 35-43). Arslan does not specifically disclose using storage medium for an audio-intonation system used for singing a song. Gibson teaches a method of practicing singing a song, in which method an audio signal emitted by a subject is reproduced to the auditory organs of the subject after real time processing, and which method is characterized in that it uses an audio-intonation calibration method (see column 1 paragraphs 1, 2, and 3; column 2 paragraphs 2 and 3). It would have been obvious to have used the storage means in Arslan for the system that is used to practice singing a song. Using the storage means will allow the system to properly accomplish its intended goals.

Conclusion

Any inquiry concerning this communication should be directed to Josiah Hernandez whose telephone number is 571-270-1646. The examiner can normally be reached from 7:30 pm to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-7761. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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JH

2/7/2007


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SUPERVISORY PATENT EXAMINER